

**OFFICE OF THE FEDERAL PUBLIC DEFENDER
DISTRICT OF MARYLAND**

NORTHERN DIVISION
TOWER II, NINTH FLOOR
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2705
TEL: (410) 962-3962
FAX: (410) 962-3976
TOLL FREE: (855) 213-8450
EMAIL: Katherine_Newberger@fd.org

JAMES WYDA
FEDERAL PUBLIC DEFENDER

KATHERINE TANG NEWBERGER
FIRST ASSISTANT FEDERAL PUBLIC DEFENDER

August 3, 2023

Filed via ECF

Hon. Deborah L. Boardman
U.S. District Court
65400 Cherrywood Lane
Greenbelt, MD 20770

Re: United States v. Brian McQuade
Criminal Case No. DLB-21-0348

Dear Judge Boardman:

I write to update the Court with sad news. Mr. McQuade's wife, Elizabeth McQuade, died of an intercranial hemorrhage on July 16, 2023. I have provided the death certificate to Assistant United States Attorney Jessica Collins and Pretrial Services Officer Pamela Nieva. In addition to being devastating news for Mr. McQuade and his children, this has some legal consequence for this case because on January 25, 2023, the Court entered a Modified/Supplemental Order Setting Conditions of Release placing Mr. McQuade in the custody of his wife. ECF No. 39.

Mr. McQuade remains in a rehabilitation facility, and his condition has not improved from the status I provided to the Court on June 28, 2023, and as discussed during the July 5, 2023, status call with the Court. Ms. Nieva recently visited Mr. McQuade at the rehabilitation facility and confirmed he remains bed bound. My understanding from Mr. McQuade's son is that he has been approved for in-home hospice because his condition is not improving and is not expected to improve. Mr. McQuade's sons plan to move into the family home to take care of their father, with assistance from in-home hospice providers. Mr. McQuade's sons will bring him home from the rehabilitation facility once in-home hospice care can be arranged.

I have discussed with Ms. Nieva and Ms. Collins whether a different third-party custodian should be substituted for Mrs. McQuade. They are in agreement that a third-party custodian is not necessary at this time. Indeed, Ms. Nieva does not feel that Mr. McQuade even needs to be supervised by pretrial services given his condition.

Accordingly, I ask the Court to sign an order removing the condition that placed Mr. McQuade in his wife's custody. Because Mrs. McQuade had been the point of contact for Pretrial Services given Mr. McQuade condition, undersigned counsel is willing to keep Pretrial Services updated as to any change in his residence. A proposed order directing as much is attached for the Court's convenience.

Status Report
August 3, 2023
Page 2

I am working on getting an expert report to Ms. Collins regarding Mr. McQuade's competency so that we can discuss how the case can and should proceed going forward. As previously discussed on the July 5 conference call, we will update the Court no later than September 1, 2023.

Respectfully,

/s/

Katherine Tang Newberger
First Assistant Federal Public Defender

cc: Jessica Collins, Assistant United States Attorneys
Pamela Nieva, U.S. Probation & Pretrial Services